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OFFICE OF PETITIONS

In re Application of
Denise Chapman Weston
Application No. 10/045,582
Filed: October 22, 2001
Attorney Docket No. CKING.032A

DECISION
ON PETITION
37 CFR 1.137(b)

This is a decision on the petition under 37 CFR 1.137(b), filed March 14, 2005, to revive the above-identified application.

The petition is **DISMISSED**.

Any request for reconsideration of this decision must be submitted within TWO (2) MONTHS from the mail date of this decision. Extensions of time under 37 CFR 1.136(a) are permitted. The reconsideration request should include a cover letter entitled "Renewed Petition under 37 CFR 1.137(b)." This is **not** a final agency action within the meaning of 5 U.S.C. § 704.

A grantable petition under 37 CFR 1.137(b) must be accompanied by: (1) the required reply, unless previously filed; (2) the petition fee as set forth in 37 CFR 1.17(m); (3) a statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional; and (4) any terminal disclaimer (and fee as set forth in 37 CFR 1.20(d)) required by 37 CFR 1.137(c). Where there is a question as to whether either the abandonment or the delay in filing a petition under 37 CFR 1.137 was unintentional, the Commissioner may require additional information. See MPEP 711.03(c)(III)(C) and (D).

The issue fee and statement have been received. However, the instant petition lacks item(s) (1) a proper reply, as the amended drawings filed with the petition do not satisfy the Notice to correct the Drawings or Specification (Notice) mailed April 20, 2004.

Petitioner filed corrected Drawings that changed former figure 4 to new figure 6; former figures 5A and 5B to new figures 4A and 4B, and former figure 6 to new figure 5. However by the Notice mailed April 20, 2004, the Office informed petitioner Figures 4A & 4B were listed in the Brief Description of the Drawings but not in the Drawings and that Figure 4 contained in the Drawings was not listed in the Brief Description of the Drawings. A proper response would have included either an amendment to the specification to change the Brief Description of the Drawings from figures 4A & 4B to figure 4, or an amendment to the Drawings changing figure 4 to figures 4A & 4B. The petitioner has failed to file a proper response, and further raised additional issues for consideration by making additional changes to the Drawings that are outside of the mere correction of formal matters in the specification and/or drawings. For example, new figures 4A & 4B as currently presented, do not include detailed features including ROM 250 or RAM 255 as currently described in the instant specification.

Accordingly, this application cannot be revived until required corrections to the formal drawings or specification have been submitted.

Further correspondence with respect to this matter should be addressed as follows:

By Mail: Mail Stop PETITION
 Commissioner for Patents
 Post Office Box 1450
 Alexandria, VA 22313-1450

By hand: Customer Service Window
 Mail Stop Petitions
 Randolph Building
 401 Dulany Street
 Alexandria, VA 22314

The centralized facsimile number is **(571) 273-8300**.

Telephone inquiries concerning this decision should be directed to Angela Ortiz at (571) 272-6051 or the undersigned at (571)272-3217.

Karen Grealy for

Brian Hearn

Petitions Examiner

Office of Petitions

Office of the Deputy Commissioner
for Patent Examination Policy